



April 13, 2007

Friday the 13th

This week:

- [Professor in the capital jury pool](#)
- [Threats to and by jurors](#)
- [Juror stress](#)
- [Questionnaire questioned](#)
- [Jamaican proposal](#)
- [Padilla peremptories](#)
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- [New](#): Guam's website, NC court administration awards, jury scam.

Better luck this weekend!

Professor on Capital Jury

A sociology professor from Connecticut "figured [she] had a better chance of actually being struck by lightning or winning the lottery than sitting in the jury pool for a capital case."

She should run to the closest [Xtramart](#) and [invest in the state's general fund](#) because a capital jury pool is exactly where she found herself.

Could this anti-death penalty activist apply the law, even if she did not agree with it? Would her favorite TV shows ("[24](#)," "[The Shield](#)," and "[Prison Break](#)") help or hurt her chances? What about her acquaintance with the prosecutor, who taught as an adjunct at her university? And where exactly is [Bowling Green](#)?

The story unfolds in "[Practicing What I Preach: A Professor in the Venire](#)," Theresa A. Severance, Ohio State Journal of Criminal Law, v. 4, n. 2 (2007): 597. The theme of the issue is "[Mercy and Clemency](#)."

Uncool Threats

The "slashing-finger-across-throat" gesture is considered a threat, and a woman in the gallery who made it to a juror was arrested. See "[Woman is Arrested for Threatening Juror](#)," Toledo Blade (April 6, 2007). Thanks to Stephanie Hess!

Threats by a juror are an issue in a California terrorist trial. There, one juror says the foreman repeatedly made a noose-like gesture. See "[Judge Orders Second Juror Hearing in Lodi Terror Case](#)," Layla Bohm, Lodi News-Sentinel (April 11, 2007).

Juror Stress

Threats, daycare, and missed work days are just some of the causes of juror stress. Recently we asked jurisdictions what types of de-stressing services they provided to jurors post-trial.

The entirely unscientific survey shows that courts providing referrals to mental health services do so only after particularly gruesome or difficult trials, and usually on an ad hoc basis. Thus, run-of-the-mill stress of being jolted out of one's daily routine to pass judgment on a fellow citizen is not enough to warrant services.

Because courts pay for the service, jurors may be required to self-identify themselves to the court and apply for the services through the court. Is this a barrier? People are already reluctant to seek help.

Who does what? Here is a partial list:

- In Arizona, at least one jury clerk hands out a juror stress pamphlet to jurors.
- Milledgeville, Georgia, has a program housed in victim services unit of the DA's office.
- Madison County, Indiana, reports that a "very gruesome" capital case warranted a court-provided psychologist to help jurors. The court paid the fees. Jurors reportedly "have kept in touch and acknowledge that it was very helpful to have the opportunity," and "felt like it was a way of getting it out and dealing with the emotional part of it."
- Kentucky offers some level of services.
- In the 17th Circuit Court of Kent County, Michigan, the court does not pay for the counseling but will, upon request from jurors, provide names of agencies and counselors. The person seeking services is responsible for paying the agency/counselor. The jury clerk is reportedly "very conscientious about jury trials that may be stressful," and "will generally talk to them after the trial is over to see if they have any questions, comments, or concerns." If she senses the need, she provides the counseling information to them. Jurors have not hesitated to seek help after particularly difficult trials.
- Lucas County, Ohio, makes counseling available to jurors on an ongoing basis for any capital case, or at the judge's request in any other case. Jurors must fill out a form provided by the court in order to obtain services.
- We believe that Oregon has some programs in place.
- Allegheny County, Pennsylvania, reports that no services are offered.
- South Carolina is reported to have some services in at least one area of the state.
- The Texas legislature, as reported here earlier, has pending legislation addressing juror stress.
- Some Virginia judges have expressed interest in providing referrals to jurors after difficult trials.
- King County, Washington (Seattle) has contracted with a local mental health services provider to assist jurors. Yamhill County has conducted the only local study on juror stress that we're aware of.

See also "[Putting Jurors on the Couch](#)," Hillary Hylton, Time (April 10, 2007).

Questionnaire or No Questionnaire?

That is the question in the long-awaited trial of James Ford Seale in Mississippi, who is charged with murdering two black teenagers in the 60s.

The proposed questionnaire contains difficult questions about racial attitudes. Prosecutors believe the venire is more likely to fill these out privately than admit to their attitudes in open court. The defense claims that some questions, particularly those involving rape and other atrocities, are too graphic.

See "[Seale Hearing to Address Juror Screening](#)," Emily Wagster Pettus, AP, Macon Telegraph (April 12, 2007).

Jamaican Jurors

Despite our best efforts to be in the Jamaican jury pool, jurors are still scarce there. This scarcity prompted High Court Judge Mrs. Almarie Sinclair-Haynes to propose a pay raise for jurors.

Jurors are currently paid \$500/day.

No, that is not a typo.

See "[High Court Judge Suggests Juror Stipend Be Increased](#)," RJR94 FM (April 11, 2007).

For more about jury service in Jamaica, see "[Jamaica's Jury System](#)." Fun fact: wharfingers are exempt.

Challenges in Padilla

The judge in the Padilla case is granting more challenges to the defense than to the prosecution. The reason given was the massive amount of pretrial publicity generated by this case.

The judge might just as well have noted the few thousand years' history of this practice. In Merry Olde England, the defense was given more challenges as a check on the prosecutor, who represented the all-powerful King, who rarely (at least until 1305) needed to show (or "shew") cause about anything. That's why he was King.

The practice of granting an equal number of peremptories to each side is relatively new. As of 1998, there were still a handful of states with asymmetrical allocations.

See "[Judge Grants Defense More Juror 'Strikes' in Padilla Case](#)," Curt Anderson, AP, Bradenton Herald (April 9, 2007). See also "[More Than You Needed to Know](#)," Jur-E Bulletin (January 14, 2005), and "[History of Peremptories, Part II](#)," Jur-E Bulletin (February 4, 2005).

Upcoming Events

- **April 20:** The [American Society of Trial Consultants](#) holds its New England meeting. Hosted by Diane Levesque of New England Trial Consulting and Edward Schwartz. Bennett Research, Boston, 9:00 a.m.-1:00 p.m. [Professor Sam Sommers](#), Tufts, will speak about "Jury Racial Composition: Suprising Lessons from Experimental Research." For more information please contact Diane Levesque, 603-781-5839.
- **April 26-27:** The [Ohio Jury Management Association](#) (OJMA) meets at the Crowne Plaza, Dublin, Ohio.
- **May 1:** Nominations for the [Kenneth R. Palmer Distinguished Service Award](#) due. Anyone who worked with Ken knew him to be hard-working and practical. He brought his good sense to every project with which he was involved. How many people can you say that about? Any current or former COSCA member is eligible.
- **May 2-5:** National Consortium on Racial and Ethnic Fairness in the Courts, [19th Annual Meeting](#), New York City. The theme is "Saving Our Children: Justice and the Fair Treatment of Youth in the Courts."
- **June 1:** What do NCSC, Stephen Bright, NCCUSL, and the North Carolina Business Court have in common? They're all past recipients of the Foundation for Improvement of Justice Award. Nominations for innovative programs in the areas of legal reform, crime prevention, child protection, speeding the process, effecting resitution, victims' rights, alternative sentencing, reducing recidivism, lowering costs, or other efforts are due June 1 to the Foundation. For more information [see their website](#) or contact the Foundation at 770-831-9411.
- **July 25-28:** [Law & Society Conference](#), Berlin.
- [NCSC events calendar](#)
- [NCSC Conference Center](#)

Attending, hosting, or interested in an event? [Let us know!](#)

New & Notable

The Unified Courts of Guam have an excellent [website](#) containing [juror information](#), [history](#), [state of the judiciary messages and other speeches](#), information about [special grant-funded projects](#), [job announcements](#), and more.

Congratulations (a bit belated) to Todd Nuccio and William W. Nicholls, Jr., [award-winning clerks](#) in the North Carolina courts!

Scam update: We hear that the famous jury scam has hit Nevada. Jury administrator Jane Hybarger noted "I've had two people call me recently, one was asked for (but didn't give out) their social security number. In the other case, the soon-to-be ex-wife did give out the number. I talked to an assistant US attorney who directed me to the FBI who in turn directed me to the Federal Trade Commission at 877-382-4357 or www.idtheftcenter.org or www.ftc.gov. The website is easier; it's a little hard to get through their phone system to a real person. Additionally, it's a good idea that they contact the three credit bureaus' fraud departments."

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Jamaica proposes juror pay raise

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Understanding mtDNA evidence

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PA discusses raising pay

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OH: selection kept quiet

IN: judge limits spectators

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New: Breyer, O'Connor, celebrity juror, and the Old Bailey

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TX bill on juror stress
Peterson jurors write book

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Blogging jurors

AZ age exemption and travel
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GA gets new hours
WV raises age of exemption

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New: nullification group, ham sandwiches, and jury reality show for fall

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Scooter Watch

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NY: Soderbergh serves

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OH clerk speaks up for privacy

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New: jury blog, NCJRS, and UVA study on aging

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Libby jurors wear hearts on their t's
BBC's "The Verdict"
OH: juror questions, published names
TX: divorce jurors and new recommendations
IL: counties balk at wage, dissolution case jurors

WA: most jurors had heard about case
FL: oral arguments; employer guilty; walkout juror does time
Upcoming events
New: Capital Jury Project, DC Superior Court, and ferrets.

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NJ: Shadow jurors in Vioxx case
IL: Jury trials for divorce cases proposed
Libby update: juror questions
Blogging jurors

OH: High-profile heinous case poses selection problems
Defense objects to joking jurors
MA addresses scam
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New: CCJ resolutions, bar associations provide info to jurors, and President's Day fun

NLJ story about handwriting analysis

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OH: <i>State v. Pelfrey</i>	

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TX: fired juror wins back pay	CA: Peterson jurors' interviewed by Van Susteren
MS: juror remembers Evers case	NJ: law prof's help to fellow jurors challenged
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